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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,891	05/19/2006	Masaki Hamada	290075US40PCT	3477
22850	7590	04/01/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER KHOSHNOODI, NADIA				
ART UNIT		PAPER NUMBER		
2437				
NOTIFICATION DATE		DELIVERY MODE		
04/01/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

### Office Action Summary

**Application No.**

10/579,891

**Applicant(s)**

HAMADA, MASAKI

**Examiner**

NADIA KHOSHNOODI

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 15-28 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Talpade et al., US Pub. No. 2004/0148520.

As per claims 15, 21, and 25:

Talpade et al. teach a system/method/computer readable recording medium for protecting a communication device against a denial-of-service attack, comprising: a monitoring device configured to be provided on a local area network to which the communication device that is a target of the denial-of-service attack is connected, the monitoring device monitoring a packet transmitted to the communication device via an internet-service-provider network (par. 17, lines 1-19 and par. 20); and a restricting device configured to be provided on the internet-service-provider network, the restricting device restricting a packet to the local area network (par. 17, lines 23-37), wherein the monitoring device includes an attack detecting unit that detects an attack by the packet on the communication device (par. 17, lines 1-12), and a protection-request-information transmitting unit that transmits protection request information indicating a request for protection against the attack to the restricting device (par. 17, lines 10-19 and par. 22); and the restricting device includes a packet restricting unit that restricts a packet transmitted to the

communication device via the internet-service-provider network based on the protection request information (par. 17, lines 23-37 and par. 24).

As per claims 16, 22, and 26:

Talpade et al. teach the system/method/computer readable recording medium according to claims 15, 21, and 25. Furthermore, Talpade et al. teach wherein the monitoring device further includes a signature generating unit that generates a signature indicating a feature of a packet that attacks the communication device, the protection-request-information transmitting unit transmits the protection request information including the signature to the restricting device, and the packet restricting unit restricts a packet corresponding to the signature (par. 26).

As per claims 17, 23, and 27:

Talpade et al. teach the system/method/computer readable recording medium according to claims 16, 22, and 26. Furthermore, Talpade et al. teach wherein the restricting device further includes a signature determining unit that determines whether the protection request information including the signature is appropriate, and the packet restricting unit restricts a packet corresponding to a signature that is determined to be appropriate, and does not restrict a packet corresponding to a signature that is determined to be inappropriate (par. 20).

As per claims 18, 24, and 28:

Talpade et al. teach the system/method/computer readable recording medium according to claims 16, 22, and 26. Furthermore, Talpade et al. teach wherein the restricting device further includes a report generating unit that generates a report on a feature and an amount of a packet corresponding to the signature, and a report transmitting unit that transmits the report to the monitoring device (par. 20 and par. 22); the signature generating unit generates a new signature

based on the report, the protection-request-information transmitting unit transmits the protection request information including the new signature to the restricting device (par. 26), and the packet restricting unit restricts a packet corresponding to the new signature (par. 26 and par. 34).

As per claim 19:

Talpade et al. teach the system according to claim 18. Furthermore, Talpade et al. teach wherein the restricting device further includes a forwarding unit that forwards the protection request information to other restricting device provided on the internet-service-provider network (par. 27), and the forwarding unit determines whether to forward the protection request information based on the report generated by the report generating unit, and forwards the protection request information to the other restricting device upon determining that it is necessary to forward the protection request information (par. 34).

As per claim 20:

Talpade et al. teach the system according to claim 17. Furthermore, Talpade et al. teach wherein the restricting device further includes a determination-result transmitting unit that transmits a result of determination of the signature determining unit to the monitoring device, and when the result of determination indicates that the signature is inappropriate, the signature generating unit generates, based on the result of determination, a new signature indicating the feature of the packet that attacks the communication device (par. 34).

*\*References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Pub. No. 2004/0250124
2. US Patent No. 6301668
3. US Pub. No. 2002/0087885
4. US Pub. No. 2003/0135762
5. US Pub. No. 2003/0145226
6. US Patent No. 6,609,205
7. US Pub. No. 2004/0054925
8. US Pub. No. 2004/0128550
9. US Pub. No. 2004/0172557
10. US Pub. No. 2004/0199793

The above references have been cited because they are relevant due to the manner in which the invention has been claimed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nadia Khoshnoodi/  
Examiner, Art Unit 2437  
3/24/2009

NK

/Matthew B Smithers/  
Primary Examiner, Art Unit 2437